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May 12, 2004  
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U.S. DISTRICT COURT  
DISTRICT OF MASS.

Justice Rya W. Zobel  
United States District Court for  
the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way., Suite-#2300.  
Boston, Massachusetts

02110.

Re: Richards v. Massachusetts Department of Corrections  
et;al, (Defendants), Docket No.04-cv-10291-Rwz.

Rya W. Zobel,  
My name is John F. Richards the pro-se Plaintiff in the above-entitled action. On May 5th we had a telephone conference with the Defendants in this matter and myself. I was told at this time that you would contact the Defendants and would inquire about my typing supplies. This was done and I have received everything that I had ordered.

There is however a more pressing issue that I have yet to get resolved. You denied my motion for funds and I understand why this was done. It was not written as it should have been. I was not asking anyone for funds or monies to persue this action in the motion. I was just trying to keep the Defendants from tying up my funds so that I have a hard time drawing monies from my own account to use for "Legal Supplies/Postage". The other issue I had was with the Law Library, photocopies, and lack of adequate law library time and assistance. I have grieved this issue on several occasions but have got nowhere. The motion I sent was because on Friday March 26th I went to the Law library at 1:00p.m. when it opened. I placed my copies in the copy box and I was the first person to put anything into this box. I

went to retrieve my photocopies from the library at 2:30 P.M. as the building was closing early as usual. I asked the librarian (Dan Morse) about my photo-copies. He said that they were not going to get done. I told Mr. Morse at this time that these were copies of a motion to Middlesex Superior court and that I wanted to get it filed by Monday. Mr. Morse stated that it was too bad and that if I did not like it I could always "Grieve it". Mr. Morse was evidently referring to the several grievances I had filed previously. I felt that this was done in retaliation for previous complaints. I also saw Mr. McCann who is the director of Programs and Treatment here at this facility. He also stated that it was too bad and that I would not receive any copies until the upcoming Monday, and of course that Monday they were not open.

Today May 12th, I went to the law library to work on my answer to the Defendants motion for Summary Judgement against me. I found something helpful to me and favorable to my case. I placed this into the "open cardboard photo-copy box" at 1:00 p.m. to be copied. At 1:52 p.m. I noticed my "Legal Materials", which I had placed in the photo-copy box laying on top of the counter in the law library. I asked the inmate clerk why my materials were on the counter. He stated that the librarian (Dan Morse), the same person who I have been having problems with, said that I would not be getting anything copied.

I went to Mr. Morse's office in the main library to ask him why he would not copy my "Legal Materials". Mr. Morse would not acknowledge me or provide me with an answer, and his inmate clerk that does photo-copies hid in the copy room until I left.

Once agin I feel that this is being done on purpose and in retaliation for past complaints and grievances. I cannot prepair and present my claim if I am impeded by the Defendants and/or their staff, and make no mistake this is what is happening. The Defendants will also argue about this letter, but the fact is I cannot get a copy of this made by the librarian so this is the only letter, (the original). I do not and will not even have a copy for my own files. The defendants have a legal team, full access to computers, printers ect. I am trying to work by myself in a library thats primative at best. This is not fair and this practice by the librarian needs to be stoped as it does keep my from not only answering the defendants, but also from researching and/or presenting my claim within the court.

In the defendants answer to my motion for library access and supplies they provided the court with a copy of 103 CMR 478 (Library Services), and 103 CMR 478.11 (4)Photo-copies states that,

(a) Photo-copying services shall be for the purpose of duplicating original legal documents and for the purpose of increasing access to the legal collection. The Superintendent shall designate the staff members responsible for photo-copying legal documents and legal reference materials.

This is there own CMR and policy. A staff member is supposed to be making these legal photo-copies, not an inmate. Mr.Morse is designated to make these copies per-policy,not his inmate clerk. Another inmate should not have the power to decide if another inmates Legal Documents are copied or not.

I really do not care if Mr. Morse and/or his inmate clerk like me or not.They are impeding my access to legal materials, photo-copies, and eventually my access to the courts as if this behavior continues and is not corrected then I will not be able to present my claim to the court, and will not be able to answer the Defendants present motion for summary judgement.

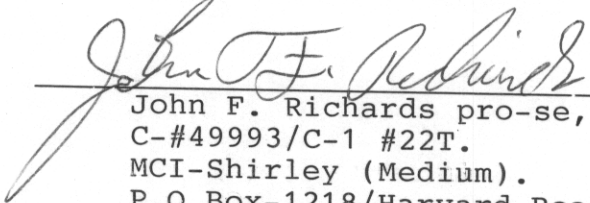


It is not going to do me any good to grieve this issue as I already know what the outcome will be. Talking to the Defendant Carol Mici (Acting Superintendent) will also do no good.

I am asking that the court assist me in obtaining what I am supposed to get from these people and to speak with the defendants and their staff about this behavior as it should not be happening, they know it but have failed to correct it.

Thank you for all of your time and attention in this matter.

Respectfully Submitted,

  
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